

REMARKS

1. Claims 1-4, 7-13 and 16-19 were rejected under 35 U.S.C. § 103(a) as unpatentable over Wolff-Mooij in view of Mayer, Gerrome or Dehdashtian, et al., and further in view of Choudhury, et al. or Vailancourt.

Examiner cited the American Heritage Dictionary, Second College Edition, definition of “exterior” as “an external or outward appearance” in support of his grounds of rejection. Applicant respectfully submits that the Examiner has taken this definition out of context and misapplied it, resulting in a misinterpretation of the pending claims and the cited references.

Applicant has consulted several dictionaries for definitions of the word “exterior,” four examples of which are shown in APPENDIX A. The predominant characteristic in all of the definitions found is that “exterior” means on the *outside* of something. Clearly, this also applies to the *external appearance* definition relied on by Examiner. Thus, to be a part of the *external appearance* of an object, a feature must appear on the *outside* of that object. Whichever definition is relied on, it is clear that an internal or enclosed feature cannot be said to be on the “exterior” of an object that encloses it.

3. With the correct definition of “exterior” in mind, it is clear that the pending claims distinguish all of the cited references based on the limitations of:

Claim 1:

wherein said valve body is movable from a closed position in which said tubular portion of said connector body is external to said passage of said valve element to *an open position in which said tubular portion of said connector body extends through said valve element from a distal side to a proximal side to open said valve element and wherein said proximal end of said tubular portion is exposed on the exterior of said valved connector thereby providing an open channel for introducing a secondary device to be inserted through said connector body.*

Claim 13:

wherein said valve body is movable from a closed position in which said tubular portion of said connector body is external to said passage of said valve element to *an open position in which said tubular portion of said connector body extends through said passage of said valve element from a distal side to a proximal side of said valve element, wherein when said valve body is in said closed position said passage of said valve element closes to form a fluid tight seal, wherein when said valve body is in said open position said proximal end of said tubular portion is exposed on the exterior of said valved connector thereby providing an open channel for introducing a secondary device to be inserted through said connector body, and wherein when said valve body is in said closed position with the secondary device inserted therethrough, said passage of said valve element closes to form a fluid tight seal around the secondary device.*

3. The claim language requires that the proximal end of the tubular portion be exposed on the *exterior*, that is the *outside*, of the entire valved connector, when the valve body is in the open position.

Looking at FIGS 2 and 4 of Choudhury, et al., which were cited by Examiner, it is clear that the end of the proximal end of the tubular member (cannula 18) is enclosed by the female connector member 25 when the valved connector is in the open position. Furthermore, when the valved connector is in the open position, the proximal end of the cannula 18 is also enclosed by a male luer that is inserted against the end 52 of the valve member 16 as indicated by arrow A. (See column 5, line 60 - column 6, line 7.) Thus, the proximal end of the cannula 18 cannot be said to be on the *exterior of* (or on the *external or outward appearance of*) the valved connector when it is in the open position.

Similarly, FIG 2 of Vailancourt shows the proximal end (annular inlet edge 35) of the tubular member (insert member 20) is enclosed by the catheter hub 10 when the valved connector is in the open position. Furthermore, when the valved connector is in the open

position, the proximal end of the insert member 20 is also enclosed by a male Luer adaptor 40 that is inserted into the catheter hub 10. Thus, the proximal end of the insert member 20 cannot be said to be on the *exterior of* (or on the *external or outward appearance of*) the valved connector when it is in the open position.

Furthermore, it would not be obvious to one of ordinary skill in the art to modify the devices of Choudhury, et al. or Vailancourt so that the tubular member is exposed on the exterior of the valved connector when the valved connector is in an open position. The female connector or catheter hub is essential to the function of the devices for connecting to an intravenous line or the like. Modifying the valved connector to meet the claim limitations would defeat the intended purpose of the devices in the references, therefore it would not be obvious to make these modifications.

4. Furthermore, Mayer, Gerrone and Dehdashtian also teach away from the claimed invention for the following reasons.

Mayer shows a valved connector with a tubular member 84, 186 that enclosed within a portion of the valved connector 104, 204 when it is in the open position. (See FIGS 10, 15 and 16.)

Gerrone shows a valved connector with a tubular structure 12 that penetrates the valve seal 120 from a proximal side 4 to a distal side 5. In addition, the presence of secondary seals 21 and 21A at the proximal end of the tubular structure 12 prevents the valved connector from providing an open channel for inserting a secondary device through the connector body.

Dehdashtian shows a valved connector that utilizes a separate hollow loader or catheter 24 that penetrates the valve assembly 12 from a proximal side to a distal side to open the passage for insertion of a guide wire 26.

Neither Mayer, Gerrone nor Dehdashtian disclose or fairly suggest the claimed features of a valved connector with a tubular portion that extends through the valve element from a distal

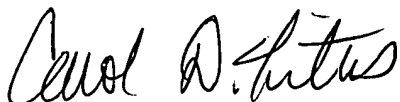
side to a proximal side to open the valve element, wherein, when in the open position, the proximal end of the tubular portion is exposed on the exterior of the valved connector to provide an open channel for inserting a secondary device through the valved connector.

5. For all of the reasons given above, applicant submits that the claimed invention would not be obvious from the cited references. Claims 1 and 5-24 are therefore submitted to be patentable over Wolff-Mooij in view of Mayer, Gerrome or Dehdashtian, et al., and further in view of Choudhury, et al. or Vailancourt under 35 U.S.C. § 103(a).

CONCLUSION

Applicant submits that the claims all define novel subject matter that is unobvious. Therefore, allowance of such claims is submitted to be proper and is respectfully requested. If Examiner deems that additional changes are needed prior to allowance of the claims, Examiner is urged to initiate a telephonic interview with applicant's representative at the telephone number listed below.

Very respectfully submitted,



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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

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Carol D. Titus

Date: November 6, 2006

APPENDIX A

Dictionary.com Unabridged (v 1.0.1) – Cite This Source

ex·te·ri·or ɪk'stɪəri ə - Show Spelled Pronunciation[ɪk-**steer**-ee-er]

-adjective

1. outer; being on the outer side: *the exterior surface; exterior decorations.*
2. intended or suitable for outdoor use: *exterior paint.*
3. situated or being outside; pertaining to or connected with what is outside: *the exterior territories of a country.*

-noun

4. the outer surface or part; outside.
5. outward form or appearance: *She has a placid exterior, but inside she is tormented.*
6. *Mathematics.* the collection of points not contained in the closure of a given set.

[Origin: 1525–35; < L, comp. of *exter* or *exterus* on the outside, outward. See EX-1]

—Related forms

ex·te·ri·or·ly, *adverb*



—Synonyms 1. outward, outside, external, superficial. 3. outlying, extraneous, foreign; extrinsic. 4. face. 5. mien, aspect.

—Antonyms 1, 4. interior.

Dictionary.com Unabridged (v 1.0.1)

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American Heritage Dictionary – Cite This Source

ex·te·ri·or (ɪk-stīr'ē-ər) [Pronunciation Key](#)  

adj.

1. Outer; external: *the exterior door.*
2. Originating or acting from the outside: *exterior influences on the negotiations.*
3. Suitable for use outside: *an exterior paint.*

n.

1. A part or a surface that is outside: *the exterior of the house.*

2. An external or outward appearance: *a friendly exterior.*
3. A representation in visual art of the outdoors: *The film includes some striking exteriors.*

[Latin, comparative of *exter*, *outward*. See *eghs* in Indo-European Roots.]

ex·te¹ri·or·ly *adv.*

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Merriam-Webster's Medical Dictionary – Cite This Source

Main Entry: **ex·te·ri·or**

Pronunciation: ek-'stir-E-&r

Function: *adjective*

: being on an outside surface : situated on the outside —**ex·te·ri·or·ly** *adverb*

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WordNet – Cite This Source

exterior

adj : situated in or suitable for the outdoors or outside of a building; "an exterior scene"; "exterior grade plywood"; "exterior paints" [ant: interior] n 1: the region that is outside of something [syn: outside] [ant: inside] 2: the outer side or surface of something [syn: outside] [ant: inside]

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